

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JASMINE HARRIS, Ex Rel, et al,

Plaintiffs,

v

NAJEE MALONE, et al,

Defendants.

Case No. 20-cv-13354

HON. LAURIE J. MICHELSON

**DEFENDANTS' RESPONSE TO PLAINTIFFS OBJECTION TO MAGISTRATES
REPORT AND RECOMMENDATION**

NOW COMES Defendants by and through counsel and state as follows:

Plaintiffs have brought a confusing array of ill-pled facts and conclusions in an Amended Complaint; however, the law does not support the claims brought. All claims in Plaintiffs' first amended complaint (FAC) (ECF No. 5) should be dismissed. In addition, Plaintiffs' motion to appeal denial of default judgment (ECF No. 20) should be DENIED. Lastly, the Court should reject Plaintiffs' argument, made in response to Defendants' motion to dismiss, that Defendants' counsel is violating MRPC 1.7 by representing state and non-state actors. (ECF No. 14, Page ID.131-132.) Further, Plaintiffs provide no legal support for this claim and the court should dismiss any non-state actors.

For the reasons stated above, Defendants pray this Honorable Court reject Plaintiffs' Objection and adopt the recommendations of the Magistrate.

Respectfully submitted,

/s/ James W. McGinnis (P29323)

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2022, I filed and served:

**DEFENDANTS' RESPONSE TO PLAINTIFFS OBJECTION TO MAGISTRATES
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with the clerk of the court using the ECF system and by first class mail to the
address of record for Plaintiffs.

/s/ James W. McGinnis

James W. McGinnis (P29323)